IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.63l3 of 2003

Dr Vilas R Bhadbhade.. Petitioner

vs

The State of Mah & ors...Respodents

Mr Rajiv Patil for Swati Sawant for petitioner

Mr.D.A.Patil AGP for State

Mr. H Sripad Murthy for respondent no 2

CORAM: S.U.KAMDAR J.

Dated 13.l2.2005

P.C:

. By the present petition the impugned order dated 5.6.2003 is challenged. By the said order the revision application preferred by the petitioner before the Minister has been rejected and the order passed by the competent authority dated 24.3.l999 has been confirmed. A perusal of the order dated 24.3.l999 as well as order passed in revision application it is seen that the revisional authority has come to the conclusion that the area which has been purchased by the petitioner is 695

sq mts do not form part of the CS No.6398 and the said property is outside the area of the said CS No. 6398. Accordingly the boundaries are drawn up of the said property. However, the learned counsel for the petitioner states that the decision taken by the Minister is actually without visiting to the site and without actually looking into the condition of the ground level. I am however, of the opinion that the Minister in revision proceedings is not required to go and visit the site for the purpose of determining the dispute which is already based on record before the revisional authority and the appellate authority. The appellate authority has also in its order passed in Appeal No.206 of l993 has given a finding that the sale deed is for the area of 695 sq mts which is not disputed but to the map attached to the sale deed the area is shown as 750 sq mts. On the basis of the consideration of the aforesaid the appellate authority has come to the conclusion that the actual area purchased by the petitioner is 695 sq.mts and accordingly boundaries are drawn. It is not possible to reappreciate or to come to a different conclusion in writ jurisdiction under Art 227 of the Constitution. Petition is therefore fails and the same is dismissed with no order as to

costs.

. Status quo order, if any, to stand vacated.